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Convention on the Elimination of All Forms of Discrimination against Women

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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the sixth periodic report of Samoa

Addendum

Replies of Samoa*

[Date received: 27 August 2018]

* The present document is being issued without formal editing.

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Please recycle

Constitutional legislative, policy and institutional framework

The status of the CEDAW Legislative Compliance Review

1. The CEDAW Legislative Compliance Review as carried out by the Samoa Law Reform Commission ("SLRC") has been finalised with its Final Report published in August 2016 and endorsed by Cabinet on 17 August 2016 in FK (16) 30. The Final Report is currently with the Legislative Assembly.

2. As a result of the recommendations in the Final Report for the CEDAW Legislative Compliance Review, proposed amendments have been sought and are in the pipeline for the following legislation:

- Public Bodies (Performance and Accountability) Act 2001;
- Marriage Ordinance 1961;
- Crimes Act 2013;
- Ministry of Women Affairs Act 1990.

Measures taken to ensure laws and policies justified on the bases of religion do not lead to violations of women's rights

3. The Constitution was amended in 2017 to insert a new Sub article 1(3) to provide: Article 1(3) 'Samoa is a Christian nation founded on God the Father, the Son and the Holy Spirit.'

4. It is not the intention of the Constitution Amendment Act (No. 2) ("Amendment Act"), 2017 to deprive a person including any woman of their fundamental rights but to identify Samoa as a Christian nation. This does not take away the freedom of religion as expressly provided in Article 11 of the constitution and freedom from discriminatory legislation in Article 15. The same article 15 also clarifies that nothing in the Article prevents making laws for the protection or advancement of women.

Clarify how the Constitutional provision of gender equality and prohibition of gender based discrimination are effectively enforced in the village level

5. The CEDAW Legislative Compliance Review provided recommendations for legislative amendments that are currently being considered which can help enforce gender equality practices at the village level. The other most important approach is raising awareness and change of attitude and thus gender equality practices are also incorporated into the District Development Planning Programme at the village level. Also refer to our report (CEDAW/C/WSM/6) particularly under sections for Article 3 and 4 and para 49 on some of the approaches to address this at village level. Additional information also available throughout this submission.

Clarify how discrimination against women is defined and protected under national legislation

6. As mentioned in the report, the inclusion of the fundamental right to freedom from discrimination in the constitution as the supreme law guarantees the protection against direct or indirect discrimination against women.

7. In other national legislations, 'discrimination' as defined in the Labour and Employment Act covers both men and women. In section 2 of the Labour and Employment Relations Act 2013, "discrimination" is defined to (a) mean a distinction, exclusion or preference based on any or more arbitrary grounds, including those listed in section 20(2), which have the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation.... Section 20(2) then

provides that one of the fundamental rights and principles of employment is that 'A person must not discriminate, directly or indirectly, against an employee or an applicant for employment in any employment policies, procedures or practices on one or more arbitrary grounds, including ethnicity, race, colour, sex, gender, religion, political opinion, national extraction, sexual orientation, social origin, marital status, pregnancy, family responsibilities, real or perceived HIV status and disability.' Section 19 of this Act expressly prohibits sex discrimination in employment.

8. The objects of the Public Service Act 2004 (s2) include establishing a public service in which decisions are made on their merits and without discrimination. Under the Family Safety Act 2013 (section 15 — Duty to assist and inform complainant of rights), a Police officer who receives a report of domestic violence by any person shall at the earliest opportunity render any assistance to the complainant without any discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status and guarantee to all persons equal and effective protection as may be required in the circumstances.

Examples of cases in which the provisions of the Convention are invoked in domestic courts

9. *Police v Apelu*[1] and *Ombudsman Investigation: Commissioner of Fire & Emergency Services Authority*[2] have been the two cases which makes mention of the Convention by highlighting that Samoa has become a signatory to the Convention and thus has an international obligation to it. In the case of *Police v Apelu* the defendant was convicted and in sentencing, the court referred to CEDAW and how it advocates the right of women to decide what is in her best interests. In *the Ombudsman Investigation of the Commissioner of Fire & Emergency Services Authority* this is in relation to a female employee who was sexually harassed at the workplace.

Additional information on NHRI and its Human Rights Reports

10. Since the establishment of the NHRI in 2013, the number of staff remains at 4. Despite capacity constraints the office remains actively engaged in carrying out its mandate. Since its inception the NHRI has submitted three State of human rights reports to Parliament. The 2015 report "For Samoa by Samoa" provided a glimpse of the status of human rights in Samoa. The 2016 report focused on the Rights of Persons with Disabilities and in 2017 provided an overview on human rights and climate change and the National Public Inquiry into Family Violence. All these reports, although looked at the status of human rights generally, do specifically discuss rights of women and girls. For example: 2015 report highlighted violence against women, girls and children, 2016 highlighted violence against women with disability, 2017 report focused on the impact of climate change on women and the inquiry into family violence with one of its focuses on violence against women and girls.

11. The findings of the first report led to Samoa's first national public enquiry on Family Violence and this report has been presented to Cabinet and will be launched on the 12 September 2018. The first reports have also led to improved partnerships of the NHRI with NGOs and other Ministries to promote and improve human rights awareness and the issues raised in the reports. NHRI also continues its outreach, do training programs and inspections which include places of detention by assessing rights of women in prison.

[1] [2010] WSSC 178 (20 December 2010).
[2] [2013] WSOM 1 (1 July 2013).

Steps taken to provide adequate funding and resources to organisations to ensure their activities are effective and sustainable

12. The Samoa Civil Society Support Program(CSSP) provides a Funding Mechanism that enables civil society organizations to implement effective and innovative development initiatives in response to the priority need of vulnerable communities and groups of people. The program focuses on building and empowering of the Civil Society Sector of Samoa. Phase I of CSSP has been completed, and the second phase will shift from being funded entirely by two development partners to a mechanism which is funded and supported by the Government of Samoa and development partners. It is governed by a steering committee that includes government, civil society representatives and development partners. The seco nd phase will build upon the lessons learnt from Phase I with adjustments to implementation, resourcing and management arrangements and with emphasis on gender equality.

13. The cooperation with the private sector and sector programs all support sustainable development outcomes for remote communities and marginalized groups with particular attention on people with disability, women and youth.

Access to justice and remedies

Information on the existing legal aid scheme and the extent to which women avail themselves

14. The existing legal aid scheme under Ministry of Justice, Courts and Administration (MJCA) is available for both females and males and is either in the form of legal representation or advice in relation to criminal matters. The types of cases in which women seek assistance in are maintenance and custody issues which are mostly family issue cases.

15. Women who experience gender based violence, including sexual and domestic violence qualify to apply for a protection order (restraining order) and the courts are mandated to immediately execute the order within 24 hours of filing. To assist women and encourage accessibility, the orders can be applied through the Ministry of Police or NGOs such as Samoa Victim Support Group.

16. In terms of the Community Law Center Act, it commenced on 1 February 2016.

Measures taken to review the sentencing policy and to consider alternatives to detention

17. The court may factor in gender as a female, amount stolen and ability to reimburse this amount when considering sentencing. There are alternatives to detention which is the probation serving time and closely monitored by the MJCA. Some of these probation serving procedures involves participation to community programs or requirements set out by MJCA. The type of sentence given is at the prerogative of the Judges and the Sentencing Act 2016 sets out principles and guidelines to be applied by the Courts.

National machinery for the advancement of women

Ministry of Women Community and Social Development (MWCSD) human resources and capacity

18. There has been a gradual increase of training opportunities for staff which have concentrated on program divisions to assist the implementation of their activities. In the last financial year 2017–2018, eleven (11) Action learning programs were facilitated by the Corporate Services Division, from both local and overseas training attended by the staff. The MWCSD workforce plan 2012–2016 indicated that four (4)

officers were awarded scholarships to study overseas to upgrade qualifications and three (3) officers are continuing their studies locally.

19. In addition, there were regular MWCSD planning sessions on the restructure and new roles and responsibilities as well as evaluation processes for redesigning and reviewing programs/activities to not only aligning with the Community Development Sector Plan outcomes but also to embed gender mainstreaming within the Ministry and increasing staff awareness and knowledge of the reforms.

20. There has been an increase in the number of staff recruited with bachelor degrees. The Training Needs Analysis conducted by the Human Resource Unit in 2017, approximately 10% of MWCSD staff identified gender mainstreaming as one of the training needs required for their work. This reflects the commitment to improve mainstreaming gender in all programs. Given the need for training, the Ministry will incorporate budget allocation for staff training in the annual budget.

Steps taken to increase the representation of female village representatives

21. The Ministry is currently drafting the Inclusive Governance Policy and Strategy to help address the unequal representation of female village representatives. In addition, the Ministry is looking at reviewing government representatives existing Policy Framework for selection. For clarification, in traditional villages, the women's committee selects the female village representative and the village councils select the male representative whereas in non-traditional villages, only one government representative is selected by church organizations regardless of gender.

Provide information on the impact of the 3.8m AUD received from Government of Australia

22. The 3.8 million Australian dollars is part of the 5 year work plan and only certain amount has been allocated to the approved Annual Work Plan for the project. To date, the progress report for period July–December 2017 highlights the key achievements of the implementation of the projects.

23. Below are the key achievements by project outcomes:

- Outcome 1: Economic Empowerment includes increase in the number of vulnerable women (dropped out of school at very early age, unemployed, experienced domestic violence) that have acquired basic financial literacy skills and knowledge and have accessed start up finances to establish their micro-businesses. A high number of new individuals trained are women, increase in the number of vulnerable women trained on entrepreneurship and business management; 138 micro-businesses established, most of them managed and owned by women; The combination of skills, knowledge acquired and access to finances enabled the vulnerable individuals supported; to improve their social wellbeing and have changed their perspective about life;
- Outcome 2: Political Representation included; about a fifth of districts established District Development Committees with equal representation of women and men; 18 WINLA members who are female parliamentarians and CEOs have committed to be mentors of their staff; 18 women at executive and mid management level in Government Ministries, Private Sector are being mentored; 1 out of the 21 villages with bans on women matai title holders has allowed women to hold matai titles that is Vaega, Satupaitea;
- Outcome 3: Reduced Gender Based Violence include; Church leadership GBV Advocacy Group comprised of 11 church denominations has been established; A combined church specific GBV Implementation Plan has been compiled for the first time indicating National Council of Churches' commitment to eliminate

gender based violence towards women and girls; 30 villages that facilitated and led community GBV awareness during this year's 16 Days of Activism is the outcome of the ongoing awareness; 30 Community GBV Committees established is an indication of the community's commitment to stop violence within the homes, villages and the district; 10 District Development Plans prioritizing Violence as one of the priority areas for the districts development; Rate of re-offending remains the same in 2016 (1=4%) and in 2017 (2=4%); Since the introduction of the anger management programme in May 2017,125 referrals were received; 12% participants have self discharged and 88% have successfully completed the programme; Probation Service and other Courts Referrals for AOD — 12% self discharged and 88% in 2016 with 5% self discharged and 95% completed the programme in 2017;

- Enabling Outcome 4 &5 include; Safer Families, Safer Community Ending Violence Strategy completed; Economic Empowerment Strategy completed; Community Sector Implementation Plan approved and implemented; 2017 Family Safety Study completed and launched; Community visibility of SWSDP through District Planning Processes and other initiatives;

- Outcome and results of MWCSD Strategic Plan 2013–2017

The key findings formed the strategic plan review. While the Ministry had good records describing all their activities, there was lack of data available to show impact of their activities and programmes as a whole. This facilitated the thematic changes within the Ministry's approach both in content and operations. The new focus is placed on integrated planning, including improved planning to ensure comprehensive monitoring and evaluation so that impacts can be measured. This allowed MWCSD to respond in a more meaningful manner to the needs of the community and the focus of its work was reviewed and changed during 2016–2018. While MWCSD mandates have remained constant, the approach has changed from working with separate community groups such as youth, women, men, to thematic areas of work, being social development, economic empowerment, governance and leadership. Operational practices show that working with families and communities can be more impactful than working with individual groups, hence the renewed approach which is hoped to effectively address discrimination against women. This is reflected in the Community Sector Plan 2017–2021 and the current draft Ministry of Women, Community and Social Development Strategic Plan.

- Outcome and results of the Samoa National Policy for Gender Equality 2016–2020

The Second Family Safety Study was launched in June 2017, the research findings and data is used to inform all the family violence work by providing a baseline for programs, and interventions, target audiences, profiles of perpetrators, profiles of survivors and recommendations for engaging community groups. In addition, the findings also informed the development of the Samoa National Ending Violence Policy and Plan of Action 2017–2021 which guides the work of the Social Development Division in the next 5 years.

- Outcome and results of work of the village women representatives and of the Women's Advisory Committee

The Women Representatives have contributed immensely to the social and economic development of Samoa for years, through their leadership and coordination of the Fine Mats program, a program that serves to not only encourage the revival of production of one of Samoa's treasures but also promote the economic values and to encourage women to perceive weaving as

a viable source of income. In addition, they have played a leading role in the coordination of District Development Plan (DDP) programs a platform for districts and community leaders to guide, plan and coordinate their own inclusive sustainable development. The exercise also encourages community leaders to formulate practical developments built on their experiences and statistics verified by government, especially in areas of health, education, security, safety and economic;

The Women's Advisory Committee (WAC) is a policy advisory committee chaired by the Minister that meets regularly to discuss issues related to the advancement of women in all aspects in Samoa. Some of the key tasks by this committee include; discussions on the findings of the 2nd Family Safety Study Survey, initial consultations on developing the zero draft Inclusive Governance Strategy and their leadership for improving National Beautification program (NBP) for all of Samoa. The NBP is a grassroots' program that focuses on village beautification supporting efforts of the tourism and health sector and wellbeing of villages.

- Concrete outcome and results of Stocktake of the Gender Mainstreaming 2015

One key result is the restructure of the Ministry programme divisions, where the three programme divisions of the Ministry have changed to Social Development (previously Division for Women), Economic Development (previously Division for Youth), Governance & Leadership (previously Internal Affairs);

Programmes are now looking at a community approach. This change also included the policy structure, as in policies targeting women, men, youth, people living with disability were not renewed. New policies for economic development, ending violence, gender equality were developed with other policies and guidelines such as community development, partnerships, communication for development, and inclusive governance still to be developed. These changes are reflected in the Community Sector Plan 2017–2021 and the current draft MWCSD Strategic Plan.

An additional outcome of the stocktake is the gender statistics workshop conducted by the Government of Samoa and the Pacific Community Social Development Programme in 2016 where government ministries were invited to participate for professional development in gender statistics. In addition, the MWCSD has developed a standardized registration sheet template to include disaggregation of sex, age group and disability. In addition, the MWCSD organization structure reform and the new Strategic Plan will continue to move the Ministry forward with its gender mainstreaming goals.

Temporary special measures

Updated information on the percentage of women who are represented in Parliament

24. In the 2016 election, more women ran as candidates in this election than ever before. Of the nearly 170 candidates contesting the election, 24 were women, an increase from 9 at the previous 2011 election. Four women won seats outright, and a fifth was given an additional seat under the Constitutional Amendment Act which establishes a 10% quota for women in Parliament and that makes the 10% of women represented in Parliament. Two are Cabinet Ministers one of whom is Deputy Prime Minister, one is a chairperson for Finance Committee and the other two are backbenchers.

Status of adoption of quotas for women in decision making positions in public bodies.

25. The MWCSD addressed these in the new CSP 2016–2020 and Samoa National Policy for Gender Equality 2016–2020.

Other temporary special recommendation to accelerate women's full and equal participation

26. The MWCSD District Development Plan programme promotes and advocates for inclusion of women in school committees, village development consultations, and monitoring of district plans. For instance, the Vaa o Fonoti district development committee consists of all women which shows that women are highly recognized in their villages and in districts.

Stereotypes and harmful practices

Update on draft strategy for family and community safety 2017–2021

27. The draft strategy has been amended and a new policy specific to addressing gender based violence was developed to suit the new policy framework and implementation needs. The result is a newly formulated Safer Families, Stronger Communities Policy, and Strategy & Plan of Action which has been informed by the recommendations of the recent Samoa Family Safety Study 2017.

28. The implementation of some of the key initiatives under the Strategy have commenced with the nationwide public launch of the Samoa Family Safety Study in July 2017, using national forum with stakeholders, multimedia, social media, District and faith based led community conversations targeting, village council, untitled men and women, young people, children, persons with disabilities and women's committees.

29. The National council of Churches, a key partner under the strategy commenced the roll out of their national conversation outreach in September 2017. The process brought together for the first time church leaders, deacons and women's fellowship groups from eight different religious denominations to discuss the findings of the survey, the interpretation of biblical meanings that have been misconstrued and used as the justification for hitting women, and look at how the church can be more proactive in preventing and responding to violence. Some very early feedback have resulted in some villages (spearheaded by village council/high chiefs) adopting bylaws to protect against intimate partner violence and setting up 'safe haven village committees' to act as the support village network. The MWCSD is mindful that implementation is in its early stages, that there is still a lot of ground to cover if we are to measure the long term impacts of all these programs.

Tackling discriminatory practices, including with regard to perception of women's leadership and decision making capacity

30. The MWCSD in June 2017 launched a tool referred to as the Integrated District Development Plan (DDP) to drive gender equality and social inclusion change at the village level and to ensure a better chance of improving women's empowerment in the areas of economic, governance and leadership, protection from all forms of violence, better health and educational opportunities. The DDP requires the set-up of district committees consisting of both men and women to develop manage their community priorities based on their development needs through a district plan. What makes this tool different is that the actual planning and decision making process is driven by the village representatives inclusive of village council (men and women who hold chief titles), church leaders, women (untitled), persons with disabilities, young men and women and children. This is the first time there is a clear focus of efforts towards inclusion of women and persons with disabilities, youth and children

as equal partners in the development dialogue. At the time of writing this report, seventeen (17) out of forty-nine (49) district planning processes have occurred, with strong female presence in all seventeen district committees. Four (4) out of seventeen are chaired by women, with an all-female representation in one specific district.

Gender based violence against women

Updated statistical data on gender based violence against women

31. The statistical data on gender-based violence cases as recently reported in the 6th CEDAW report is the current data (paragraph 46–48).

32. The study by MWCSD; Samoa Family Safety Study 2017 surveyed a total of 569 adult women aged between 20–49 years. Of this 569, 54% were within the age group of 20–35 years old and 46% were of the older age group of 35–49 years.

Figure 1.1
Female respondents by age

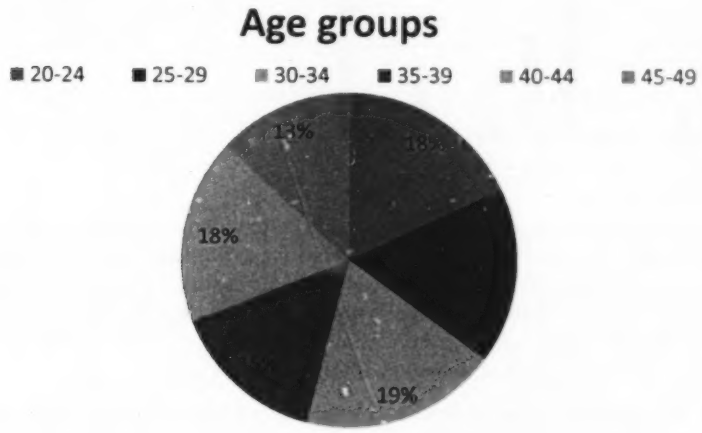
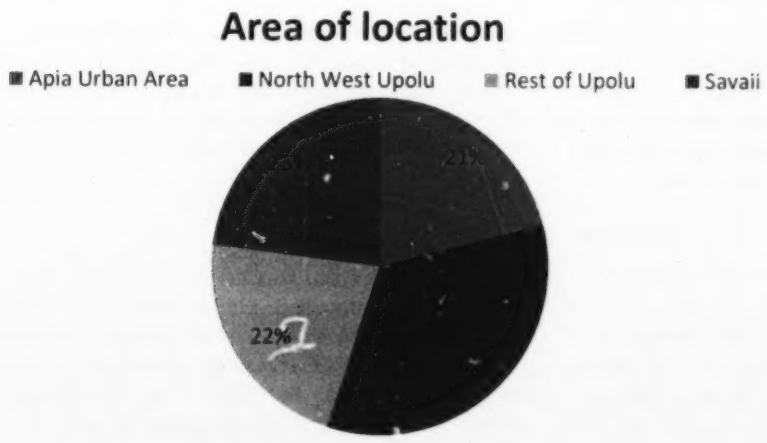


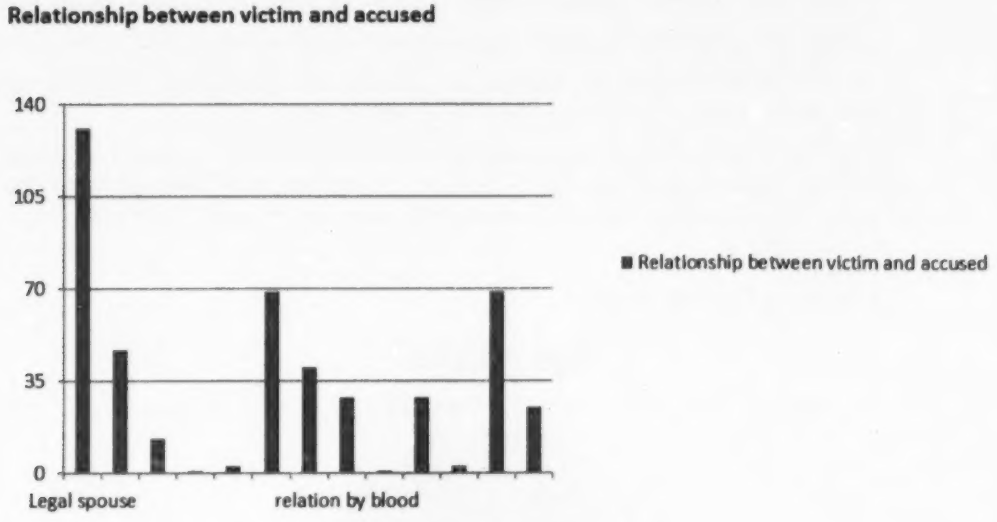
Figure 1.2
Female respondents by geographical location



33. In terms of geographic location, the above chart represents the adult women surveyed for this study. From the Apia Urban Area, 120 females (21%), North West

Upolu, 194 females (34%), Rest of Upolu; 125 females (22%) and Savaii; 130 females respondents.

Figure 1.3
Relationship between victim and perpetrator



34. The measures taken to ensure that cases of domestic violence involving women, are not systematically referred to alternative resolutions are taken seriously. There is a legal process of handling domestic violence and related matters to ensure women's access to justice. There is the mechanism of women obtaining protection orders that prohibits the respondent from entering the complaints work place and residence. The Family Violence Specialist court also deals with these prosecutions.

35. In terms of measures taken to ensure individuals who intervene in GBV cases are trained to understand and adequately intervene, there was a 'survivor centered essential service' training in March 2018 where village representatives participated. It focused on how to assist survivors of GBV by knowing and understanding the services available.

36. The 16 Days of Activism program in November 2017 also helped communities introduce programs that focus on ending violence. There is also the National Council of Churches (NCC) initiative for8 deacons, ministers and wives to take the lead in addressing healthy marriages through equal partnership, raising of children using nonviolent techniques, and good communication to address gender based violence in, homes and villages.

Samoa Family, Health and Safety Study 2017

37. Please refer to responses above to paras 7 and 8 of the issues raised. The Safer Families, Stronger Communities Policy, and Strategy & Plan of Action was informed by the recommendations of this 2017 study. The funding of the strategy is currently made possible through the partnership with the Government of Australia under the Samoa Women Shaping Development Program, the United Nations Population Fund/Government of Samoa Gender Equality Program and national budget.

38. The NHRI national public enquiry on Family Violence report will be launched on the 12 September 2018.

39. The findings of the study resulted in the MWCSD led 16 Days of Activism in 2017 focusing on addressing domestic violence. Other programs include the Samoa Women Shaping Development Program (SWSD) spearheaded by MWCSD which also focuses on reducing and address violence in Samoa. The partnership with the National Council of Churches (NCC) under SWSD was created to promote and draw the attention on the importance of cultural and Christian values, and safety within communities and families. NCC led ending violence programs in Savaii and Upolu targeting church ministers and wives to ensure their leadership in addressing family violence occurring in their villages and communities. The Malu I Fale Campaign implemented by MWCSD, uses public awareness to educate people on ending violence, using signs on public buses and posters distributed and publicized on government buildings.

40. The Ministry of Police in partnership with Ministry of Prisons and Correction Services, Ministry of Education, Sports and Culture conducted school outreach programs for secondary schools around violence in schools and across schools particularly involving teenage boys, with alcohol and drugs a key awareness issue.

41. The Ministry of Prisons and Correction administers and implements a few rehabilitation programs that address issues of domestic violence, anger management and alcohol and drugs since its introduction in 2016. The allocations of inmates to these programs were based on the nature of offence they've committed. Since 2016, majority of those who were in these programs have been discharged and most do not reoffend in contrast to the pre-existence of the rehabilitation unit.

Trafficking and exploitation of prostitution

Ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children

42. Samoa has developed policy guidelines to strengthen the response to trafficking and exploitation of women and children which were completed in early 2018. This policy guideline comes under the work of the National Border Control Committee. Part 13 of the Crimes Act 2013 introduced new offences specifically targeting exploitation through trafficking. The Act criminalizes trafficking in people by means of deception or coercion and liable to imprisonment to 14 years. This also includes offenders sexually exploiting people below18 years of age inclusive of forced labour.

43. As mentioned in our sixth periodic report we will pursue the ratification of all international treaties on the basis of priorities, taking into account capacity and resource constraints in fulfilling obligations stipulated therein. We are taking a thorough assessment of Samoa's accession to a number of human rights conventions that includes its ability to fulfil all obligations required by each convention such as reporting, legislative, financial and institutional requirements to ensure it is able to deliver, upon becoming a State Party to these conventions. Although we have not ratified this Protocol on trafficking of persons, Samoa currently has a policy guideline on the Management of the Transnational Crimes of Trafficking in Human Beings and Smuggling of Migrants.

44. In terms of studies on the prevalence of trafficking in Samoa, we confirm that there have been no official reports of human trafficking in Samoa and in the recently finalized trafficking policy it states that the incidence of Trafficking of Human Beings and Smuggling of Migrants in Samoa is low relative to some other parts of the world. However this did not stop the government from developing strategies to address these crimes.

Exploitation of prostitution including girls involved in prostitution and measures taken or envisaged to address the root causes of prostitution

45. The Samoa Key Population Mapping Study 2016 as previously reported is the current status on exploitation of female sex workers. The Strategic Plan for HIV/AIDS 2012–2016 developed by Ministry of Health indicated that female sex workers identify as a group that did not have any prevention programs under the health sector. However, measures taken by the health sector included delivery of condoms, lubricants, clothing and sanitary items to known female sex workers which established the initial sample of the Pacific Multi-country Mapping and Behavioural Study: HIV and STI Risk Vulnerability among Key Populations, Samoa 2016. MWCSD continues to support the vulnerable population inclusive of female sex workers through the Small Business Incubator and Supporting Vulnerable Populations into Jobs.

Information on the impact of measures adopted to increase the use of contraceptives and sexual and reproductive health services by women and girls in prostitution

46. The National Health Service (NHS) implements testing and counselling for HIV/AIDS for everyone however there is no target testing for female sex workers. The Samoa Family Health Association is the leading NGO health care provider for sexual reproductive health services.

Participation in political and public life

47. According to the Population and Housing Census 2016, 1594 women hold matai titles and 69% of these female participate and involve in village councils, 29% of women are represented in judiciary. The Human Resource Management Monitoring and Evaluation Report 2016–2017 shows that 60% of female are in management level (CEOs and ACEOs) for all government ministries under the Public Service Agency and 24% of females are represented in company boards. Selection to these positions is merit bases.

48. The MWCSD continues its advocacy and awareness programs through District Development Plan program to promote the inclusion of women in decision-making.

49. As has been highlighted earlier, 1 out of the 21 villages with curfews to ban women matai has allowed women to hold matais, that is Vaega, Satupaitea. These changes do not happen overnight, but the combination of high level commitment, legislative and policy reform together with continuous awareness programs, dialogues and a community wide approach to these issues can lead to positive outcomes.

50. Traditionally, the governance structure of local government (traditional village) in Samoa is comprehensive and applies broadly to all traditional villages. In essence, it clearly highlights the respective authority and roles of various institutions in Samoa society. Women and men who hold matai titles collectively is the supreme authority in the traditional Samoan village and makes up the village council. The women's committee traditionally comprises wives of the chiefs, sisters and daughters of chiefs and wives of the untitled men. Their roles include organizing village health clinics, maintain village hygiene and cleanliness, contribute to fundraising for community infrastructure such as schools and health centres and organize and participate in income earning development projects.

Education

Information on the drop-out rate of girls due to pregnancy

51. The National Safe Schools Policy aims to provide a positive learning environment for all children and students. It has incorporated provisions that are in place for the protection of students who are impregnated from being expelled and that they are given full support by the school as well as the family during the pregnancy phase as well as securing the return of these young students to school after child birth.

52. Challenges remain with no collection of data concerning the dropout rate of girls due to pregnancy and the rate of girls who return to school after child birth. While there is disaggregated data for dropout rates at both primary and secondary level, there is no data collected on reasons for students dropping out.

53. Some of the measures that have been put in place is the rollout of outreach programs as noted in the report. Some of the public education programs that have been implemented by MWCSD also focuses on issues of sexual reproductive health including Teen Mums, Mothers and Daughters etc. These were put in place to create an educational learning frame for parents to safely discuss sensitive issues with their daughters and sons.

Impact of the National Safe School's Policy in reducing instances of sexual abuse and harassment

54. The National Safe Schools Policy administered by the Ministry of Education, Sports and Culture was launched in 2017, and it is still early to measure the impact of the policy and to collect data on instances of sexual abuse and harassment.

Status and rationale of the bill proposed by the Ministry of Education aiming to reintroduce corporal punishment in schools.

55. In reference to the issue of the reintroduction of Corporal Punishment in Schools, the MESC submitted a Bill to the Parliament of Samoa during its session in June this year to amend the Education Legislation, namely 'Section 23 — Discipline'. The amendment does not propose any change to allow corporal punishment as a form of discipline.

56. The rationale for the proposed amendment was as a response to the issue of school fights — within schools, and between secondary schools. The amendment seeks to give teachers the authority to use reasonable force to stop fights between students — this is the only applicable use of this section. Thus the use of corporal punishment to discipline a student is still prohibited. The Bill is currently being reviewed by the Parliamentary Committee for Social Development with national consultations held with stakeholders.

Comprehensive sexuality education in schools

57. The introduction of comprehensive sexuality education into schools is a very sensitive issue considerably in relation to young students and is being explored on how best teachers can teach it in school settings. Furthermore, the Ministry of Health, Samoa Family Health Association, Samoa Red Cross, Ministry of Women in collaboration with UNFPA and some of its key partners/stakeholders have implemented Community outreach programs that correlate to issues of sexual reproductive health in order to promote awareness and education on the services available to fit their needs as well as providing a safe space platform for parents and young girls to talk about sensitive issues that affect them and their families.

Employment

Updated information to extend the length of maternity leave in the private sector, on a par with the public sector

58. The Labour and Employment Relations Act 2013 (LERA) promotes women's rights in employment, equal remuneration, maternity leave and protection from workplace discrimination and harassment. The LERA review is still ongoing. Phase 1 of the LERA review process took place from April to June 2018 consulting a total of 25 stakeholder organizations on strengths and areas that need improving for the LERA. The report for Phase 1 was completed and endorsed by the Samoa National Tripartite Forum (SNTF). As of current, work is in progress for a cabinet endorsement of the review report before the Ministry can proceed with Phase 2 of review. It is expected that by end of FY 18/19, a draft of the LERA review will be ready.

Alternative measures to help finance maternity leave in the private sector.

59. There have been discussions in progress within the SNTF regarding maternity leave, whereby, the forum has considered key issues raised by the private sector in this regard. For instance, employers have concerns with the idea of extending the length of maternity leave in the private sector on a par with the public sector, due to financial and resources constraints. However, it is anticipated that this discussion be covered in depth in the LERA review, that is to be completed end of FY 18/19.

Information on specific measures taken to improve the rate of employment of women and address occupational segregation

60. There is a provision in the LERA Regulations 2016 that covers employment for women and children, which specifies prohibition of discrimination against women and children in the workplace, and provides for improvements to hire or that they become employable in the workplace. There is progress in terms of inclusion of women in the LERA Regulation. In addition, MCIL carries out regular visits to public and private sector regarding how many men and women are being employed, and noticed no distinct gap in this regard. MCIL has not received any form of complaints with regards to occupational segregation in the workplace, to date.

Information on the measures taken to ensure that the principle of equal pay for work of equal value is guaranteed in law and in practice

61. Several discussions were done before within the MWCSD with regards to the principle of equal pay for work of equal value particularly to female and male representatives' salaries. The Sui o Nuu (SN) and Sui o Tamaitai o Nuu (STN) policy is currently under review, which has a provision to ensure the equality to be shared amongst female and male representatives in terms of their salaries, is covered. In 2016, there was a raise in fortnightly wage for female representatives from $150 to $200, while the male representative's salary remains at $250.

62. In addition, the verification of job applications by the Public Service Commission (PSC) through the PSC Act 2004, is based on the merits of the applicant in order to meet the requirements needed of any position, that is, it is merit based.

Information on measures taken to improve the equal sharing of responsibilities in the home between men and women so as to increase the participation of women in the work force

63. While the improvement of equal sharing of responsibilities in the home between men and women so as to increase the participation of women in the workforce is a high level indicator within the Community Sector Plan 2016–2021, the activities

related to this are spread through different sectors and Ministries. The changing of attitudes that led to change in behaviour is a goal of the MWCSD in several areas. The focus of the Ministry continues to be economic development and empowerment of women and the changing of attitudes and behaviour related to power and control in violence against women.

Gaps in protection from sexual harassment in the private sector, and provide information on the measures taken or envisaged to address such lacunae

64. A definition of "harassment" has been proposed to be included in the PS Amendment Bill under section 19 of the Code of Conduct. This is to reflect and clarify section 19(c) of the Act wherein it mentions "harassment". The proposed definition includes that of a conduct of a sexual nature. Under Ministry Quarterly Reports (MQR's) which PSC collects from all the Ministries under its jurisdiction, there is a section where Breaches of Code of Conduct are captured. So far, no reported cases of any sexual harassment have been recorded in these MQRs.

65. It is the recommendation of the SNTF, that the protection from sexual harassment in the private sector will be covered in depth in the LERA review. There will be a provision therein, to include harassment in whole.

Health

Information on the overall maternal mortality rate

66. The overall maternal mortality rate in Samoa has increased from the 2011–2016 National Census, by 10% for every 100,000 live births, an increase from 40.2 to 51 for every live 100,000 births.

Information on women's access to basic health care services, including essential obstetric care and sexual and reproductive health services

67. Women's access to basic health services is mainly provided through private health care, primary health care and secondary health care institutions — namely private practitioners, public health facilities including national and district health hospitals, local community health centres and mobile clinics provided by Community Nurses and NGO's, such as the Samoa Family Health Association (SFHA). Obstetrics and gynaecology care is provided through specialized clinics at the national and district hospitals, private practitioners, community health outreach centres as well as through mobile clinics coordinated by Community Nurses and SFHA.

68. Sexual reproductive health services are provided by the National Health Service at the hospital, district hospitals and community outreach centres. Family planning services has been mainly outsourced to private clinics and NGOs while the Ministry of Health concentrates on monitoring and evaluation of the services. Private clinics and NGOs have fully taken on the responsibilities of family planning services in close collaboration with National Health Service. SFHA is the sole NGO health care provider of SRH services offering a range of services including family planning, ante natal care, sexually transmitted infections, counselling, referral and general health through their main clinics as well as through mobile clinics to rural areas and the prisons. Updated data from SFHA indicates that from April 2017–December 2017 the number of women that attended their mobile health clinics was 2050, and a total of 483 youth utilised their Youth Friendly drop in service.

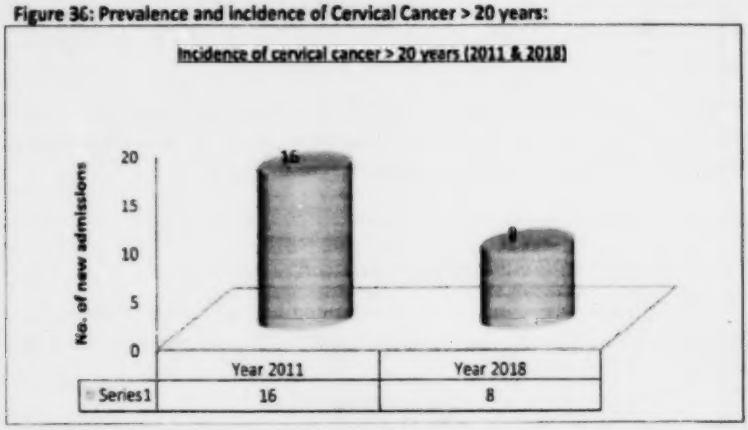
Information on the prevalence of cervical and breast cancer and the measures taken to prevent them

69. The integrated Community Health Services which is the Primary Health Care focused on multipurpose services at a community level is inclusive of rural community health facilities and clinics, school health clinics, village women committees, home based care and traditional birthing attendant Services.

70. Information obtained from the Ministry of Health Sector Full review 2018 indicates the figures below for the prevalence of cervical cancer.

Prevalence of cervical cancer in women aged 20 years and over

Figure 36: Prevalence and incidence of Cervical Cancer > 20 years:



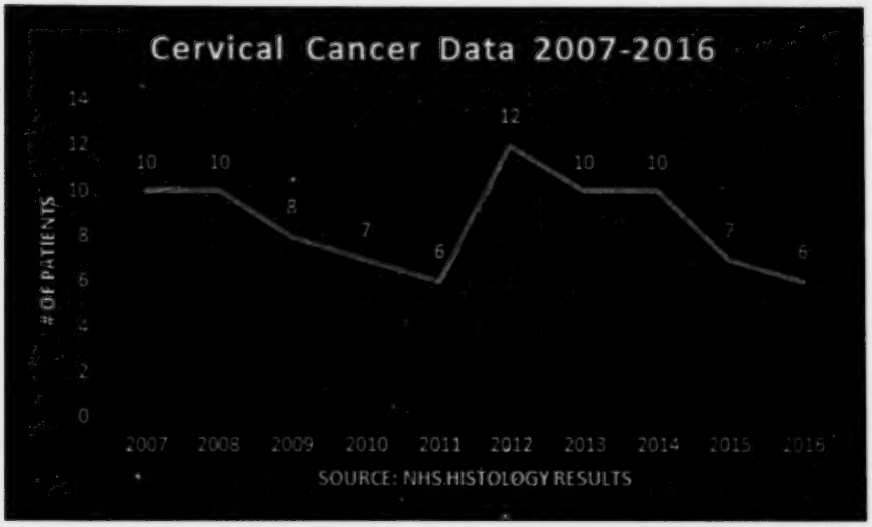
Cervical cancer is declining as can be noted in Figure 36. From 2011, there were 16 cervical cancer cases. In 2018, it has dropped to 8 cases.

71. The screening and treatment of cancer is provided by the National Health service locally, and overseas for more extensive treatment as approved by the Government of Samoa, with the support of the Samoa Cancer Society. The information above indicates a decrease in the number of cervical cancer cases, however this information may not accurately reflect the reality — that cervical cancer is not declining because of better screening or treatment. The numbers are low because women are not coming forward and there is no pap smear screening program that captures the numbers. Women that present with cervical cancer to the National Health Service and to Samoa Cancer Society are already in the very late stages of their first diagnosis. In the absence of a proper Cancer Registry, it is difficult to capture the true prevalence and incidence of any type of cancer, when using an ineffective PATIS health information system. Primary screening, such as mammograph services are provided by the National Health Service however there are still challenges as noted above for cancer patients.

72. This data is based only on new hospital admissions and should not be taken as an indication that the country is experiencing a decline in cervical cancer. The incidence of cervical cancer in Samoan women is 15.2/100,000. *(Source: Obel et al (2014) Asian Pacific Journal Cancer Prev 15(21), 9433–9437).*

73. And according to the MOH Policy document on cervical cancer — recent data places cervical cancer in the 'top three' types of diagnosed cancer in Samoan women (breast, uterus and cervix). *(Source: National Cervical Cancer Prevention and Control Program, MOH Policy Document, 2014)*

74. The following graph is data compiled from what is on file for Cervical Cancer and is sourced from the NHS Laboratory using the histology tissue results (diagnosis) for periods 2007–2016.



Updated information on suicide rates

75. The most recent MOH Annual report 2016–2017 indicates a decrease in suicide rates from 23 in 2015 to 19 in 2016.

Updated information on availability of mental health care services, including counselling services in relation to gender-based violence

76. There is a Mental Health Unit located at the national hospital. Referrals are mainly through self referral or by other professionals. Goshen Trust Services is a private Mental Health rehabilitation facility that takes clients who are referred from the Mental Health Unit at the national hospital, but also house some clients who are self referred.

Economic and social life

Updated information on measures taken to enable access by all women, including "nofotane" women or women living in the village of their spouses, to bank loans, mortgages and other forms of financial credit, and on the impact of such measures

77. The Micro Finance Facility Scheme implemented by the Development Bank of Samoa (DBS) in collaboration with the MWCSD, was reviewed in 2016. This scheme provides women with access to bank loans, mortgages, and other forms of financial credit. The outcomes from the review allow the DBS to develop a new credit facility scheme for women and youth which they are now currently implementing. They piloted it in Savaii, providing awareness programs and trainings on financial literacy, in collaboration with the Central Bank of Samoa (CBS). To date, the new scheme has a total of 778 beneficiaries being trained on financial literacy, of which 558 are women. DBS will continue implementing the scheme for Upolu in the near future.

78. Furthermore, the livelihood training of unemployed nofotane women under the 2-year project by the Samoa Victim Support Group with funding support from the UN Women Fund for Gender Equality 2016–2018, included a basic financial literacy component.

79. At the completion of the project on 31 July 2018, close to 5,000 unemployed nofotane women were trained in livelihood skills, which in turn established 500 new entrepreneurs, reaching 237 villages.

80. While the impact of the changes in the lives of the empowered nofotane women have been noted by their participation in family matters, in village decision making (through the Village Women's Committee), the success of their children's education and their ability to contribute to village and church community events; the sustainability of the newly self-employed nofotane women remains a challenge.

81. This is due to the most often strict criteria for micro financing opportunities available, hence makes it difficult for the newly self-employed nofotane women to access financial credit or to be entitled for bank loans.

82. Even the credit facility from the government through the Development Bank of Samoa (DBS), (the Micro Credit Financing Scheme) in collaboration with the Ministry of Women, was not able to provide women with access to financial credit. The micro finance loan scheme is currently being reviewed.

83. SVSG was supported by local financial institutions namely the Bank of the South Pacific (BSP) and the Samoa Commercial Bank (SCB). These financial institutions have been conducting trainings for the nofotane women on the basics on saving and budgeting ideas, and encouraged the opening of Bank Accounts. Some of the nofotane entrepreneurs are now setting up Savings Accounts with the BSP and the SCB which will eventually make them eligible for small loan financing.

84. SVSG distributed sets of brochures to improve participants understanding on; 1. Saving Money; 2. Borrowing Money; 3. Managing Money; and 4. Spending Money.

Rural women

"Nofotane" women and decision-making fora in the villages

85. In the first year of the 2-year Nofotane project, 536 SVSG village representatives were trained to advocate for support for the project. They in turn advocated and gathered support from 1,550 more village leaders who continued to advocate within the village communities for support towards the economic empowerment of nofotane women.

86. The strategy to influence a change in mindset in village leaders to address specific gender equality issues faced by nofotane women, uses the trained SVSG village representatives. The results noted the nofotane project making headlines in the local media, such as: when it was a topic of discussion in Parliament, the forum for government leaders of Samoa; and when high chiefs representing village councils (the local governance in village communities), issued public statements on the local media supporting the project, and announced changes being made in their respective villages with regards to the treatment of nofotane women.

87. Some of these results of the project include:

- 6 of the villages in Savaii now bans the use of the word nofotane when referring to women married into the village. All women (including nofotane) in these 6 villages are now referred to as just 'women', without an added label;
- 3 of the villages in Upolu now include nofotane women in the village women's committee. This was never a practice in these villages prior to the Project;
- Overall, out of the total 182 villages reached by the project in Year 1 through advocacy training of village leaders, 77% or 140 villages have reported changes being implemented, some of which have been noted above. Majority of these villages are in rural Upolu and in Savaii. The other 23% or 41 villages are mostly

villages around the urban area of Apia in Upolu, where modernization is highly influential compared to village councils and the traditional way of life.

88. These changes have been noted by the UN Women FGE in its Annual Report 2016:

- Samoa's Nofotane women assert their rights and independence: http://www.unwomen.org/en/news/stories/2017/10/feature-samoa-nofotane-women-assert-their-rights-and-independence;
- Village decision makers take a stand for Samoa's "nofotane" women: http://asiapacific.unwomen.org/en/news-and-events/stories/2017/07/makers-take-a-stand-for-samoas-nofotane-women.

Measures adopted to address the Committee's previous concern with regard to the prevalence of discriminatory customs and traditional practices that prevent rural women from inheriting or acquiring ownership of land and other property

89. As long as a woman is heir to her family titles and land/property ownerships, she is entitled to bestowal of a matai title and ownership of land and other property. This applies to nofotane women as well, in terms of family titles of their spouses.

Disadvantaged groups of women

Information on the situation of women with disabilities, female-headed households, older women, as well as lesbian, bisexual, transgender and intersex women

90. The situation of women with disabilities is well noted in the '2018 Samoa Disability Monograph' that was launched in August 2018. The report notes that significant disparities exist in education and economic activities. While no obvious disparities were noted in living conditions, further research is required to gather specific data to provide a proper analysis. The number of female headed households comprises 48% of the total number of households as noted in the 2016 Household Census (95,087 out of 195,979 households). The number of transgender women (faafafine) has increased over the years as the level of acceptance by the general community has increased. The 'Samoa Faafafine Association' is a well-known and well-established group that advocates strongly for the rights of the transgender community.

Information on the status and impact of the "Supporting Samoa's Children Initiative" launched in December 2016

91. The "Supporting Samoa Children's Initiative — Children who are Vending" program continues to work with some of the most vulnerable families. The program provides social support to families who rely on children to vend as an income for the family. These families are all from low socio-economic backgrounds, with little or no other social support or extended family to assist with the raising of children. The program initially started with 10 families in December 2016 however only 6 remained engaged in the program throughout 2017. The program expanded in early 2018 and there are currently 17 families with 30 children with whom we are currently working with. The work is aimed mainly at the parents in order to change their mentality, reinforce positive parenting, provide access to family planning and link up with economic opportunities for small business development or employment in the formal sector. The families face a number of social issues such as discord with their extended families, being ostracized within their local settings, and stigmatization from the general public to name a few. The program is currently being reviewed by the Ministry regarding the current delivery/methodology and the way forward for the next phase.

Information on the status of the legislative compliance legislative review with regard to the protection of women and girls with disabilities from forced sterilization

92. 'Forced sterilization' is not an issue for women with disabilities in Samoa. Information gained from the 2018 Samoa Disability Monograph notes that the median age at first birth among women both with and without disabilities is the same at 22 years of age, the average number of children ever born varies slightly — 2.1 children for women without disabilities while 1.6 children for women with disabilities. Data however suggest that more women with disabilities may give birth out of marriage.

Marriage and family relations

Updated information on the status of implementation of the recommendations made by the Samoa Law Reform Commission to bring the State party 's legislation into conformity with article 16 of the Convention

93. The recommendations made by Samoa Law Reform Commission (SLRC) (also noted in responses to Paragraph 1) have been tabled in parliament. It is to introduce gender-neutral language in the legislation regarding spousal maintenance and alimony upon the dissolution of marriage, as well as the harmonization of the minimum age of marriage for both women and men at 18 years of age.

94. The proposed amendments to the *Marriage Ordinance 1961* were to the relevant provisions in this Act (sections 9 and 10) to provide for one minimum age for marriage applicable to both men and women equally (18 years), and for one age requiring consent for marriage for both men and women (21 years). Draft provisions of those amendments were also offered for the Ministries to adopt as they see fit.

95. The SLRC's Fabric of Laws of Samoa Review 2017/2018 highlighted the need for updating and possible consolidation of the family laws of Samoa, advocating gender-neutral language in these reforms.

Information on the measures taken to address the abandonment of children born out of wedlock

96. With regards to measures taken to address the abandonment of children born out of wedlock due to negative attitudes and stigmatization by the family and the community and the pressure exerted on women, the MJCA noted that the legislations in place (Maintenance and Affiliation Act 1967, Infants Ordinance Act 1961) do not discriminate against mothers who have children outside of marriage as well as children who are born out of wedlock. Children whether born outside or within marriage, are all treated the same and afforded the same services and rights under the law. The services available at MJCA are for everyone and not just for married couples and children born into marriage. The Infants Ordinance Act 1961 have legal provisions for the Protection of Children and punishment for the ill-treatment and neglect of children and the power that the court and Ministry of Police has to appoint a fit and proper person to be a child welfare officer for a child.

97. There are 3 aspects of Samoa Victim Support Group's services that address the abandonment of children born out of wedlock, and to support the mothers in dealing with the negativity that comes with it 1) Help Line, established in 2013. The Help Line has enabled family members or concerned members of the community to report pregnant women or girls out of wedlock and in need of assistance, while they (informers) remained anonymous. 2) Shelter Facilities — The Campus of Hope. There are 6 facilities at the Campus of Hope, with an additional facility for the children with disabilities being planned. All children have access to the School of Hope on Campus.

Three of these shelter facilities that also cater for the needs of women or girls and their children born out of wedlock.

98. The House of Blessings functions as a place where newborn up to 3 year olds are raised in a safe environment. The majority of the children that are raised in this nursery are born from girls who are survivors of rape or abandoned children born out of wedlock. This facility includes an isolation unit and a clinic. The Ray of Hope Shelter was specifically built to house pregnant survivors of rape and pregnant women out of wedlock and being ousted from their families. It offers private clinical rooms for regular check-ups while providing protection for the pregnant women and girls from exposing them to public hospitals. SVSG also has its own Ambulance donated from its supporters in Queensland Australia that assists in evacuating pregnant women and girls to hospital for birthing.

99. Based on the Campus of Hope, the school enables all children, including pregnant girls and young women, to continue education without being exposed to public scrutiny. The government of Samoa funds the salaries of the teachers at the school.

100. The issue with stigma attached to women with children born out of wedlock is however still and continues to be a societal issue and this discrimination is something that we need to address and emphasize more in the advocacy work that we do. The Ministry of Women, Community and Social Development (MWCSD) and its partners continue to address these issues through their advocacy work to break the stigma and negative stereotypes that people have towards young mothers and those that have children out of wedlock and to encourage and empower women through education on their rights, sexual reproductive health, positive parenting and appropriate childcare as well as support services available to them.

Information on the legal provisions on child maintenance and on their enforcement

101. In cases where children are born out of wedlock and the mother or father does not or cannot care for the child, a close relative or a person within the community will adopt the child or step in to take up the role of caregiver. There are cases where children are born out of wedlock to a minor out of acts of sexual assault, rape and incest. These cases are often referred to Samoa Victim Support Group (SVSG) where they will provide care for the victim who is a minor and her child.

102. With regards to the legal provisions on child maintenance, these are outlined in the Maintenance and Affiliation Act 1967: Part 5 — Maintenance of children. With regards to enforcement, MJCA noted that visitations are carried out by their officers to follow-up if the legal provisions of maintenance of a child are carried out by the parent as ordered by the court. If a parent fails to comply with the provisions, the court will take action through the first step which is to send a reminder letter for the outstanding payment/arrears and a 14 day notice for the payment to be made. If this first step is not adhered to, then an application for a warrant of arrest will be issued. The parent will be charged with "disobedience" and sentenced accordingly in front of the court.

Disaster risk reduction and climate change

Updated information on the percentage of villages in the State party that have adopted action plans on climate change and disaster risk management, with the active participation of women

103. The community preparedness section of the Disaster Management Organization (DMO) through its Community Disaster and Climate Risk Management Program (CDRM) has implemented 52/348 village DRM action plans, equivalent to 14% of

the whole country. Currently, the DMO is working in rolling out these programs to additional villages.

How a gender perspective has been incorporated in such plans

104. Gender mainstreaming has been part of all disaster preparation community work especially for the CDRM program. The inclusion of women in the governance, policy making and implementation of activities stipulated in the action plans is considered and encouraged. It is hoped that the transition of these roles that are put in place under projects be incorporated into daily community developments ensuring sustainability and longevity even after the duration of the project.

105. One of the best practices observed was that women have taken full responsibility in coordinating and planning of activities for village response teams, for instance the Relief Coordination and Shelter Management Response teams. Women have taken the initiative in managing activities that they were trained in at the village level through the CDRM program, having programs organized in a coordinated manner such as taking good care of the most vulnerable namely, people with disabilities, the pregnant, the elderly and children inside the designated evacuation shelters.

Nationwide policy on climate change and disaster risk management and how a gender perspective has been incorporated

106. We have the Samoa National Policy on Combating Climate Change 2007 (NCC 2007). A review was carried out in 2014–2015 on the NPCC, looking at its status of implementation, strengths, gaps or issues identified including any recommendation. A Climate Change Bill has been developed based on one of the recommendations of the NPCC review which will mainly focus on the governance arrangements, advocacy role (nationally and internationally), coordination responsibilities, reporting, monitoring and evaluation and procurement matters.

107. There is currently a National Action Plan (NAP) for Disaster Risk Management which is aligned to Samoa's National Disaster Management Plan (NDMP) and National Environment Sector Plan (NESP) amongst others. The NAP highlights the development of DRM policies with integrated gender and vulnerable group needs.

108. There is also a Monitoring and Mainstreaming Tool developed under the NDMP where DMO advocates for the inclusion of DRM, Gender, CCA and People With Disability (PWD) considerations into sector plans and integrated into policies throughout Government. This tool has helped DMO monitor and determine the baseline data on where the sectors are at in Mainstreaming DRM and CCA into their plans and line of work.

109. Furthermore, there is a "Gender in DRM" policy which focuses on gender equity ensuring that women are involved across all phases of DRM. This policy was developed to help and support the sectors in considering Gender Mainstreaming as one of the core agendas in their plans. A similar policy was developed for PWD's.

110. Government with the support of partner funding have ensured the delegations to climate change meetings includes the additional representative (recently from MNRE and MWCSD) to focus on gender issues.

Data collection

Information on the use of data as the basis to monitor the implementation of current and future policy and legislative measures for the advancement of women

111. Samoa Bureau of Statistics has finalized a Draft outcome document entitled: Draft declaration 'Navigating policy with data to leave no one behind'. The data that has been made available has been very helpful in terms of improving the current

policies and legislative measures. The data and statistics will assist with finalizing for example our national implementation plan for the National Mechanism for Reporting and Follow Up to allow for preparation of reports and monitor implementation and support the work of the taskforce. Much work is being undertaken by the SBS to ensure collection of relevant data that can help monitor and review not only our national plans and policies but also our international obligations.

112. MJCA noted that attention and care has been taken to ensure that the current laws and legislation do not discriminate against women and girls and measures have been taken to review the legislation and laws to ensure that they do comply and are in line with international agreements that Samoa has ratified and signed to.

113. The CEDAW Compliance Review carried out by SLRC in 2016 includes recommendations made to improve the current legislation to ensure that women and girls are not discriminated against and that they are afforded equal opportunity and rights in all aspects of life. SLRC is currently awaiting a direction from Parliament which will determine whether these laws will be revisited and whether further changes will be made.

114. The Labour and Employment Relations Act 2013 (LERA) implemented by the Ministry of Commerce, Industry and Labour (MCIL) which promotes equal employment and remuneration for women is currently being reviewed with Phase 1 that took place in April–June 2018. The report for Phase 1 was endorsed by the Samoa National Tripartite Forum (SNTF). Phase 2 of the review is set to take place by the end of FY 2018/19 and with that, a draft of the LERA review will be ready and submitted to Parliament for their endorsement and recommendations on the way forward (More information on this Act is also outline in Employment Section of this document).

115. The Ministry of Women, Community and Social Development has in place the Samoa Family Safety Study 2017, the National Policy for Gender Equality 2016–2020, the Child Protection Bill (in draft form), and Disability Policy in the pipeline, and the data will play a big role in monitoring existing policies and legislation or policies and also in informing and improving programming for women and girls with regards to economic empowerment, political participation and decision-making and reducing violence against women and girls.

Optional protocol and amendment to article 20 (1)

Progress made with regard to the ratification of the Optional Protocol to the Convention and the acceptance of the amendment to article 20 (1) of the Convention

116. As mentioned in the report Samoa supports the amendment to article 20 (1) of the Convention. In terms of the Optional Protocol, The State is still discussing this issue with the relevant stakeholders and government Ministries and hope to look at moving its forward with its internal process.